

Arizona Supreme Court
Rule 28 Petition

R-16-0022

RULES OF PROCEDURE FOR EVICTION ACTIONS

Appellate Case Information

Case Filed: 8-Jan-2016
Case Closed:

Dept/Composition

Side 1. RULES OF PROCEDURE FOR EVICTION ACTIONS

(Litigant Group) PETITIONER: STATE BAR OF ARIZONA

- State Bar of Arizona, Petitioner

Attorneys for: State Bar of Arizona

John A Furlong, Esq. (AZ Bar No. 18356)

(Litigant Group) COMMENTOR: COMMITTEE ON LIMITED JURISDICTION COURTS

- Hon C Steven McMurry, Committee on Limited Jurisdiction Courts, Commentor, Pro Se

(Litigant Group) COMMENTOR: MANUFACTURED HOUSING COMMUNITIES OF ARIZONA, INC.

- Manufactured Housing Communities of Arizona, Commentor

Manufactured Housing Communities of Arizona, Inc.

Michael A Parham, Esq. (AZ Bar No. 4853)

(Litigant Group) COMMENTOR: ARIZONA COMMISSION ON ACCESS TO JUSTICE/KATHY SEKARDI

- Kathy Sekardi, Arizona Commission on Access to Justice, Commentor

(Litigant Group) COMMENTORS: WILLIAM E. MORRIS INSTITUTE FOR JUSTICE, DNA PEOPLE'S LEGAL SERVICES AND SOUTHERN ARIZONA LEGAL AID

- William E Morris Institute for Justice, Commentor
- DNA People's Legal Services Inc, Commentor
- Southern Arizona Legal Aid Inc, Commentor

Attorneys for: Commentors

Ellen S Katz, Esq. (AZ Bar No. 12214)

(Litigant Group) COMMENTOR: ARIZONA MULTIHOUSING ASSOCIATION

- Arizona Multihousing Association, Commentor

Attorneys for: Arizona Multihousing Association

Scott M Clark, Esq. (AZ Bar No. 6759)

CASE STATUS

Jan 13, 2016....**Circulating**

Jan 8, 2016.....**Pending**

10 PROCEEDING ENTRIES

1. 8-Jan-2016 FILED: Petition to Amend the Rules of Procedure for Eviction Actions (Petitioner State Bar of Arizona by John A. Furlong, General Counsel)
2. 13-Jan-2016 Petitions having been filed in the above captioned cases pursuant to Rule 28(A), Rules of the Arizona Supreme Court, and upon consideration,
☐ IT IS ORDERED that the petitions shall be opened for public comment pursuant to Rule 28(C), Rules of the Supreme Court. Comments shall be due on or before May 20, 2016.
☐ The petitions may be viewed by going to: <http://www.azcourts.gov/> and hovering on "Rules" in the drop down menu under "AZ Supreme Court." Click on "Rules Forum" in the drop down menu next to "Rules." This will take you to the "Welcome" page. Petitions are posted under the appropriate body of rules, which you can find by scrolling down the page.

For instructions on how to post comments electronically, follow the steps listed above but click on "FAQ" at the top of the "Welcome" page and then "How do I file a comment on a Rule 28 petition."
☐ Alternatively, comments may be submitted by filing an original and one (1) paper copy and one copy of the written comments and supporting documents in Microsoft Word format on a CD, disk or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment".
☐ Any person filing a comment shall send a copy thereof to Petitioner. (Hon. Robert M. Brutinel)
3. 27-Apr-2016 FILED: Comment from the LJC Opposing the Petition (Committee on Limited Jurisdiction Courts by Hon. Steven McMurry)
4. 19-May-2016 FILED: Comments on Proposed Rule (Manufactured Housing Communities of Arizona by Michael A. Parham)

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5. 19-May-2016 FILED: (Comment) (Arizona Commission on Access to Justice)
6. 20-May-2016 FILED: Comments in Support of Petition to Amend the Rules of Procedure for Eviction Actions (William E. Morris Institute for Justice, DNA People's Legal Services and Southern Arizona Legal Aid by Ellen Sue Katz)
7. 20-May-2016 FILED: Comments on Proposed Rule (Arizona Multihousing Association by Scott M. Clark)
8. 29-Jun-2016 FILED: Reply of the State Bar of Arizona (State Bar of Arizona by John A. Furlong, General Counsel)
9. 29-Aug-2016 **WOULD PERMIT A CHANGE OF JUDGE AS A MATTER OF RIGHT AND FOR CAUSE IN EVICTION ACTIONS IN JUSTICE COURT**

ORDERED: Petition to Amend the Rules of Procedure for Eviction Actions – ADOPTED as modified, on an experimental basis effective January 1, 2017. The amendment will be recirculated for comment until July 14, 2017, and reconsidered by the Court at the August 2017 rules agenda.
10. 2-Sep-2016 A petition having been filed proposing to amend the Arizona Rules of Procedure for Eviction Actions by adding subsection c to Rule 9, and comments having been received, upon consideration,

IT IS ORDERED that Rule 9, Arizona Rules of Procedure for Eviction Actions, be amended by adding subsection c, in accordance with the attachment hereto, on a one-year experimental basis, effective January 1, 2017. The amendment will be reconsidered by the Court at its August 2017 Rules Agenda.

IT IS FURTHER ORDERED that the amendment be reopened for comment, with comments due July 14, 2017, in accordance with Rule 28(D), Rules of the Supreme Court, on the issue of whether or not the experiment should be extended or made permanent. (Hon. Scott Bales)